



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802- 4213

FEB 17 2006

In Response Refer To:
151422SWR03SA8829:SRB
Permit No. 1180

Mr. Tim Salamunovich
Thomas R. Payne & Associates
P.O. Box 4678
Arcata, California 95518

Dear Mr. Salamunovich:

Enclosed is Research Permit No. 1180 (Permit 1180) issued to you under the authority of section 10 of the Endangered Species Act of 1973, as amended (ESA). Permit 1180 authorizes take of ESA-listed Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*), Central Valley spring-run Chinook salmon (*O. tshawytscha*), Central Valley steelhead (*O. mykiss*), Central California Coast steelhead (*O. mykiss*), and proposed listed North American green sturgeon (*Acipenser medirostris*), while conducting a variety of research activities throughout the Central Valley and the Sacramento-San Joaquin Delta. In effecting the take authorized by Permit 1180, you will be considered to have accepted the terms and conditions of the permit and be prepared to comply with the provisions of the permit, the applicable regulations, and the ESA.

You are required to review the permit prior to engaging in your research activities and comply with the permit conditions. The original permit and a file copy of the signature page are enclosed. Please sign and date both, and return the signature page marked "FILE COPY" to our office. In the future, should you need a change in this authorization, please submit a request to modify the permit.

Your attention is directed to section C, which describes annual reporting and authorization requirements. Reports are due on February 28 each year. Permit 1180 is subject to annual reauthorization based, in part, on your reported take per annual period and your compliance with the terms and conditions of the permit. This permit is valid through December 31, 2010.

Please note that Permit 1180 is not valid until our office receives the signed copy of the signature page. You may submit the copy by facsimile to (916) 930-3629 and confirm by mail to Protected Resources Division, 650 Capitol Mall Suite 8-300, Sacramento, California 95814. If you have any questions concerning the permit, please contact Ms. Susan Boring at (916) 930-3612.

Sincerely,

Rodney R. McInnis
Regional Administrator

Enclosure



SECTION 10 PERMIT FOR TAKES OF LISTED SPECIES

Permit Number: 1180
Permit Type: Research
Expiration Date: December 31, 2010
Reporting Period: January 1 through December 31
Annual Reports Due: February 28

Permit Holder:
Mr. Tim Salamunovich
Fishery Biologist
Thomas R. Payne & Associates
P.O. Box 4678
Arcata, California 95518
(707) 82-8478 extension 306

Principal Investigator: Tim Salamunovich

Field Supervisors: Thomas R. Payne, Mark Allen, Don Bremm, Steve Eggers

Authorization:

Thomas R. Payne & Associates (TRPA) is hereby authorized to take Endangered Species Act (ESA)-listed Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*), Central Valley spring-run Chinook salmon (*O. tshawytscha*), Central Valley steelhead (*O. mykiss*), Central California Coast steelhead (*O. mykiss*), and proposed listed North American green sturgeon (*Acipenser medirostris*) while conducting a variety of research activities throughout the Central Valley and the Sacramento-San Joaquin Delta. This authorization is subject to the provisions of the Endangered Species Act of 1973 (ESA) (16 U.S.C. §§ 1531-1543), the National Marine Fisheries Service (NMFS) regulations governing ESA-listed species permits (50 CFR Parts 222-226), and the conditions hereinafter set forth.

Background:

This permit authorizes TRPA to take Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead, Central California Coast steelhead, and proposed listed North American green sturgeon while conducting fisheries-related studies in four different stream systems to provide ecological information for various agencies which have projects in the areas. These include long-term monitoring projects and short-term projects to study the trends in abundance and distribution of anadromous and resident fishes (*e.g.*, Sacramento splittail, Chinook salmon). There are four long-term monitoring projects that are projected to continue through 2010, as allowed by this permit. A summary of the study objectives, study location, sampling time and frequency, and sampling gear used for each project is provided in Table 1 of the Addendum to the Central Valley Programmatic Biological Opinion for Scientific Research for Permit 1180. All lethal take is unintentional.

Authorization:

A. Number and Species of Animals

This permit authorizes the following annual take of Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, Central Valley steelhead, and Central California Coast steelhead for each sampling activity listed in the permit:

Lower Putah Creek Fish Monitoring and Splittail Studies

Table 1. Anticipated Annual Juvenile Take and Mortality Estimates

Number of Individuals Affected	Number of Unintentional Mortalities	Species and/or ESU	Date
80	2	Sacramento River winter-run Chinook salmon	Late June
80	2	Central Valley spring-run Chinook salmon	Late June
400	8	Central Valley Steelhead	Late June
0	0	Central Valley spring-run Chinook salmon*	October
0	0	Sacramento River winter-run Chinook salmon*	October
2	0	North American Green Sturgeon	March-May
200	10	Central Valley Steelhead	October

* these species are not likely to occur in the project area and will not be affected by the action

Solano County Streams Fish Monitoring Study

Table 2. Anticipated Annual Take and Mortality Estimates for Central Valley Steelhead

Number of Individuals Affected	Number of Unintentional Mortalities	Life Stage	Location	Date
250	13	Juvenile	Suisun Creek	July-October
5	1	Adult	Suisun Creek	July-October
250	13	Juvenile	Green Valley Creek (including Wild Horse Creek)	July-October
5	1	Adult	Green Valley Creek (including Wild Horse Creek)	July-October
50	3	Juvenile	Ledgewood Creek	July-October
5	1	Adult	Ledgewood Creek	July-October

Ulatis Flood Control Project Channel Fish Monitoring Study

Table 3. Anticipated Annual Take and Mortality Estimates of Central Valley Steelhead

Number of Individuals	Number of Unintentional Mortalities	Life Stage	Date
25	2	Juvenile	July-October
5	1	Adult	July-October

Oroville Facilities Relicensing Instream Flow Studies

Table 4. Anticipated Annual Take and Mortality Estimates for Year Around Sampling in the Feather River below Oroville Dam

Number of Individuals	Number of Mortalities	Species and/or ESU	Life Stage
600	0	Central Valley spring-run Chinook salmon	Fry
600	0	Central Valley spring-run Chinook salmon	Juvenile
200	0	Central Valley spring-run Chinook salmon	Adult
200	0	Central Valley spring-run Chinook salmon	Incubating Redds
600	0	Central Valley Steelhead	Fry
600	0	Central Valley Steelhead	Juvenile
200	0	Central Valley Steelhead	Adult
200	0	Central Valley Steelhead	Incubating Redds

B. Special Conditions

1. All persons operating under Permit 1180 will have proper training in the handling and care of netted ESA-listed fish, have access to properly maintained state-of-the-art equipment, and be knowledgeable with the conditions of the permit and the requirements of the ESA.
2. All listed salmonids captured will be processed immediately and before any other fish are processed, and returned to the water.
3. All traps must be checked and cleared of fish and debris daily.
4. All electrofishing will be conducted by field crew personnel trained and experienced with electrofishing techniques. Researchers for the project using electrofishing will follow "NMFS Guidelines for Electrofishing Waters Containing Salmonids Listed under the Endangered Species Act, June 2000" (<http://www.nwr.noaa.gov/1salmon/salmesa/4ddocs/final4d/electro2000.pdf>).
5. Hooking injuries to the fish will be treated, as necessary, by applying pressure to the wound until any bleeding ceases while holding the fish in flowing water. The potential for suffocation will be minimized by frequently wetting the fish and its gills with river water while samples and measurements are taken. Prior to release, each fish will be held in flowing water so that water flows over its gills until it fully recovers and is capable of swimming.
6. Fish will not be collected for sampling purposes when water temperatures exceed 60 °F.

7. If take estimates are exceeded for the periods identified in the section above, the project shall be suspended and NMFS shall be notified within 2 calendar days, or on the next working day.
8. NMFS will monitor project activities to ensure that the project is operating satisfactorily in accordance with Permit 1180. NMFS will monitor actual annual take of ESA-listed fish species associated with the proposed research activities (as provided in annual reports or by other means) and will adjust annual permitted take levels if they are deemed to be excessive or if cumulative take levels are determined to operate to the disadvantage of the salmonids.
9. No intentional lethal take of ESA-listed salmonids is authorized. Any ESA-listed steelhead unintentionally killed during sampling activities should be preserved as voucher specimens and sent to: Katie Perry, California Department of Fish and Game, 830 S Street, Sacramento, California 95814, (916) 445-4506. Please confirm preservation protocol with Katie Perry.

C. Permit Reporting and Reauthorization Requirements

NMFS Contact:

Supervisor
Protected Resources Division
National Marine Fisheries Service
650 Capitol Mall, Suite 8-300
Sacramento, California 95814
(916) 930-3600
(916) 930-3629 (FAX)

1. Final Report: The Permit Holder shall submit a final report to the NMFS contact within ninety (90) days of the expiration of this Permit summarizing the results of the research and the success of the research relative to its goals.
2. Annual Report(s): The authorization of this Permit is contingent upon receipt of an annual report. Once the annual report is submitted to NMFS, the Permit Holder may continue permitted research activities unless notified otherwise by NMFS. NMFS will notify the Permit Holder if the annual report is inadequate and more information is required. If information is not supplied, research activities shall be suspended until the NMFS request is met.
3. Annual Reports shall include:
 - a. a detailed description of activities conducted under this Permit, including the total number, life stage and sex of Central Valley steelhead taken, the manner of take, the dates and locations of take, and condition of the fish at capture and release; and a brief narrative of the circumstances surrounding ESA-listed salmonid injuries or mortalities, including the disposition of the mortality specimen;
 - b. any and all preliminary analyses of the data;
 - c. measures taken to minimize disturbances to ESA-listed salmonids and the effectiveness of these measures, a description of any problems and/or unforeseen effects which may have arisen during the research activities; and

- d. any other research or monitoring occurring in the same location as the Permit Holder's activities, and steps that have been and will be taken to coordinate the research with that of other researchers.

D. Notification Requirements and Operational Reports

Supervisor
Protected Resources Division
National Marine Fisheries Service
650 Capitol Mall, Suite 8-300
Sacramento, California 95814
(916) 930-3600
(916) 930-3629 (FAX)

1. Notification of Field Activities: The Permit Holder shall notify the above contact, via phone or fax, at least two weeks in advance of initiating the research. The required notification shall include start date(s), location, projected end date(s), and the names and affiliations of all personnel who will operate under the Permit who are not included as an investigator. The Permit Holder will also notify the above contact of any other research or monitoring activities occurring in the locations of the Permit Holder's activities.
2. Exceeding Authorized Take: The Permit Holder is not exempt from ESA section 9 take prohibition for any additional take exceeding the authorized take, including mortalities. In the event that the authorized level of take, including mortalities, is exceeded, the Permit Holder shall notify, via phone or fax, the above contact as soon as possible, but no later than two calendar days after the unauthorized take. In the notification, the Permit Holder shall explain to the above contact the circumstances of the unauthorized take, if the unauthorized take included mortalities of ESA-listed salmonids, or if the take occurred in a manner not authorized by Permit 1180. The notification shall also include a re-evaluation of the techniques that were used, or an explanation as to why permitted sampling techniques were not at fault for exceeding take. NMFS may then evaluate the research project to determine if those techniques need to be revised to prevent additional take. Pending review of these circumstances, NMFS may suspend research activities or amend this Permit in order to allow research activities to continue.
3. Taking of Unauthorized ESA-listed Species: In the event any ESA-listed species not included in this Permit, or covered by other permit or exemption, is taken during the course of research activities, the Permit Holder shall notify, via phone or fax, the above contact as soon as possible, but not later than two calendar days after the event. In the notification, the Permit Holder shall explain the circumstances of the unauthorized take. Pending review of these circumstances, NMFS may suspend research activities or amend this Permit in order to allow research activities to continue.
4. Transfer of Biological Samples: Biological samples collected from ESA-listed salmonids are the responsibility of the Permit Holder and shall be properly handled until transferred. The transfer of any tissue samples taken for genetic analysis from the Permit Holder to any entity, other than the NMFS Southwest Fisheries Science Center Santa Cruz Laboratory Tissue Repository or Katie Perry of the California Department of Fish and Game, requires written approval from NMFS. Any such transfer will be subject to such conditions as NMFS deems appropriate.

5. Taking of Marine Mammals: In the event any marine mammal is taken during the course of research activities, the Permit Holder shall notify the above contact verbally as soon as possible, but no later than two days after the event. The Permit Holder shall then submit a written report to the above contact, describing the circumstances of the unauthorized take. Pending review of these circumstances, NMFS may suspend research activities or amend this Permit in order to allow research activities to continue.

E. General Conditions

1. The Permit Holder shall ensure that the ESA-listed salmonids are taken only by the means, in the areas, and for the purposes set forth in the Permit application, as limited by the special conditions in this Permit.
2. Should NMFS determine that a sampling procedure provided for under this Permit is no longer acceptable, the Permit Holder shall immediately cease using such procedure until an acceptable procedure has been prescribed by NMFS.
3. The Permit Holder, in effecting the take authorized by this Permit, is considered to have accepted the conditions of this Permit and shall be prepared to comply with the provisions of this Permit, the applicable regulations, and the ESA.
4. The Permit Holder is responsible for the actions of any individual operating under the authority of this Permit.
5. The Permit Holder, personnel, or designated agent acting on the Permit Holder's behalf shall possess a copy of this Permit when conducting the activities for which a take of ESA-listed salmonids is authorized herein.
6. The Permit Holder may not transfer or assign this permit to any other person(s), as person is defined in section 3(12) of the ESA. This Permit ceases to be in force or effective if transferred or assigned to any other person without prior authorization from NMFS.
7. Any personnel of the Permit Holder requiring Federal or state licenses to practice their profession shall be duly licensed under the appropriate law.
8. The Permit Holder shall coordinate with other co-managers and/or researchers to ensure that no unnecessary research duplication and/or adverse cumulative effects to ESA-listed salmonids occur as a result of the Permit Holder's activities.
9. The Permit Holder shall allow any NMFS employee(s) or any other person(s) duly designated by NMFS, to accompany field personnel during the activities provided for in this Permit and/or to inspect the Permit Holder's records and facilities if such records and facilities pertain to activities for which a take of ESA-listed salmonids is authorized by this Permit, relate to ESA-listed salmonids, or otherwise pertain to NMFS' responsibilities under the ESA.
10. Under the terms of the regulations, a violation of any of the terms and conditions of this Permit will subject the Permit Holder, and/or any individual who is operating under the authority of this Permit, to penalties as provided for in the ESA.
11. The provisions of this Permit may be amended by the NMFS Office of Protected Resources upon reasonable notice to the Permit Holder.

12. 50 CFR Section 222.23(d)(8) provides for a reasonable fee to be charged to cover the costs of the issuance of Permits under the ESA. The fee for this Permit has been waived.
13. This Permit may be revoked by NMFS if the activities provided for by this Permit are not carried out, if the activities are not carried out in accordance with the conditions of the Permit and the purposes and requirements of the ESA and its implementing regulations, or if NMFS otherwise determines that the findings made under section 10(d) of the ESA no longer hold.
14. Any falsification of annual reports or records pertaining to this Permit is a violation of this Permit.
15. The Permit holder, in signing this Permit, has accepted and will comply with the provisions of this Permit, applicable regulations (50 CFR 222), and the ESA.

F. Penalties and Permit Sanctions

1. Any person who violates any provision of this Permit is subject to civil and criminal penalties, Permit sanctions, and forfeiture as authorized under the ESA and 15 CFR part 904.
2. All permits are subject to suspension, revocation, and denial in accordance with the provisions of subpart D [Permit Sanctions and Denials] of 15 CFR part 904.

Rodney R. McInnis

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Regional Administrator
Southwest Region
National Marine Fisheries Service

2-17-06

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